

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on January 24, 2001 at 3 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Al Bishop, Chairman (R)  
Sen. Duane Grimes, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Sen. Bob DePratu (R)  
Sen. Eve Franklin (D)  
Sen. Don Hargrove (R)  
Sen. Dan Harrington (D)  
Sen. Royal Johnson (R)  
Sen. Jerry O'Neil (R)  
Sen. Emily Stonington (D)

**Members Excused:** Sen. Fred Thomas (R)

**Members Absent:** None.

**Staff Present:** Jeanne Forrester, Committee Secretary  
Susan Fox, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 82, 01/16/2001  
Executive Action: SB 116

#### **HEARING ON SB 82**

**Sponsor:** SEN. BOB KEENAN, SD 38, Bigfork

**Proponents:** Sami Butler, Montana Nurses Association  
Erin McGowan, Montana Council of Community Mental Health Centers

**Claudia Clifford, State Auditors Office**  
**Jani McCall, Billings Deaconess Clinic**  
**John Larson, Missoula District Court**  
**Beda Lovitt, Montana Medical Association**  
**Brian Garrity, Mental Health Oversight Advisory**  
**Council**  
**Bob Olsen, Mental Health Association**

**Opponents:** None

**Opening Statement by Sponsor:**

**SEN. BOB KEENAN, SD 38, Bigfork,** introduced SB 82 and passed out the amendments **EXHIBIT (phs19a01)**, these have to do with the insurance commissioner and the review of finances. This bill was reported in the press to be the meat of mental health, however, nothing could be further from the truth. He explained the different sections of the bill and said this bill is simply a clean up bill of SB 534 from the last Legislature.

**Proponents' Testimony:**

**Bob Olsen, Mental Hospital Association,** passed out a copy of his testimony **EXHIBIT (phs19a02)**. He asked the committee to support this bill.

**Erin McGowan, Montana Council of Community Mental Health Centers,** she said she is in support of this bill.

**Claudia Clifford, State Auditors Office,** said she sat on the Mental Health Oversight Committee. She felt the direction of that committee should not be looking at a contract with an insurance company, rather it should be a plan to look at regional centers. Her office has regulated insurance companies, and does not understand nor regulate mental health providers. Her office has gotten involved in insurance issues between a consumer and an insurance company; not between the government and provider groups. She said she highly recommended the DPHHS make sure the companies they deal with are solvent. It was a recommendation of the committee that someone from her office have a position on the oversight committee. **Ms. Clifford** felt the expertise from her office is not needed on this committee. She thanked **SEN. KEENAN** for all his support and urged the committee to support this bill.

**John Larson, Missoula District Court,** supports this bill, especially page 10, line 29 - it would provide a tracking system. He passed out a handout **EXHIBIT (phs19a03)**, a summary of Strengthening Child Abuse and Neglect Courts Act of 2000 (SANCA).

**Brian Garrity, Mental Health Oversight Advisory Council**, said he supported this bill.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. FRANKLIN** was concerned about persons under the age of 19, (page 4, line 19-22) who are not receiving Medicaid and are not in the CHIP program. Would they be eligible for mental health care? **SEN. KEENAN** said these are standard Medicaid statutes.

**SEN. FRANKLIN** said she wanted this committee to be aware of the struggle of financial help for kids.

**SEN. CHRISTIAENS** asked if the advisory committee would be paid for coming to Helena and attending meetings. **SEN. KEENAN** said they are not paid. **SEN. CHRISTIAENS** felt this would limit those who can serve on the board, because they will not be reimbursed.

**SEN. GRIMES** asked if we going to exclude a provider of health care services, if they already have a contract with the department on a "fee for services" basis. **Ms. Fox** said the old definition of exclusions in SB 534 (from last session) was too broad and limited those who would qualify for a contract, that is why the word "persons" had been struck.

***{Tape : 1; Side : A; Approx. Time Counter : 0}***

**SEN. STONINGTON** asked if the auditor is the person who will look at the contracts checking for solvency. **Mr. Olsen** asked if the question dealt with an independent review of compliance within the contract? **Sen. Stonington** said her question was why are there two separate time frames - an independent review of the contract provisions, then a review of financial solvency and who would do this. **Mr. Olsen** said first there would be a review of the solvency of the company; then during the contract period it would be necessary to come back and revisit that same issue. This would be done, so there would not be another situation as there was with the Magellen Corporation.

**SEN. STONINGTON** asked how were they designing a mechanism to perform these audits. **Mr. Olson** replied that an independent contractor coming in would be coming in and checking for compliance and enforcement.

**SEN. STONINGTON** wanted to know who would be doing the audits? **Mr. Olson** said in the past we expected the insurance commissioner to perform that role; now this is one of the missing ingredients in the new provisions.

**SEN. STONINGTON** said the amendment states independent review. **Mr. Olson** said that is what they have in mind by having an outsider come in and give their opinion.

**SEN. STONINGTON** asked if it would be appropriate for another agency to do this review? **Mr. Olson** said the insurance commissioner wants to excuse their office and the legislative auditor is reluctant to become involved.

**SEN. JOHNSON** wanted to know the number of people who would be on the advisory council. **SEN. KEENAN** there is no set number.

**SEN. JOHNSON** asked who are they going to advise. **SEN. KEENAN** said the recommendations should be made to the Governor.

**SEN. JOHNSON** then asked if they were going to put this in the law.

**SEN. KEENAN** said they are currently working on getting the mental health issues fixed and will work out other details next session.

**SEN. JOHNSON** wondered if any of the advice that had been given by the advisory council had been taken. **SEN. KEENAN** said six of the 22 the recommendations are being acted on. **SEN. JOHNSON** said he has yet to see any advisory council being really effective in making changes. He is also concerned about the advisory council being so open-ended in this bill. **SEN. KEENAN** felt that the Mental Health Advisory Council had made good progress and they have worked hard at being taken seriously and getting their recommendations considered.

**SEN. JOHNSON** wanted to know how much money was available for mental health. **SEN. KEENAN** said without the supplemental, he thought the numbers were \$111 to \$113 million.

**Closing by Sponsor:**

**SEN. KEENAN** closed on SB 82.

***{Tape : 1; Side : B; Approx. Time Counter : 0}***

**EXECUTIVE ACTION ON SB 116**

**Motion:** SEN. STONINGTON moved that SB116 BE AMENDED  
**EXHIBIT** (phs19a04)  
(SB011601.asf ).

**Discussion:**

SEN. STONINGTON explained the amendment.

**Vote:** Motion carried 10-0.

**Motion:** SEN. CHRISTIAENS moved that SS 116 BE AMENDED  
**EXHIBIT** (phs19a05)  
(SB0116.05.asf ).

**Discussion:**

SEN. STONINGTON asked **Mr. Hunter** to explain this amendment. **Mr. Hunter** explained the wording was from the Department of Justice having to do with background checks.

SEN. CHRISTIAENS wanted to share with the committee that in his subcommittee, the Department of Justice was not funded do this.

**Vote:** Motion carried 10-0.

Next, the committee looked at the amendments from SEN. O'NEIL.

**Motion:** SEN. O'NEIL moved that SB 116 BE AMENDED  
**EXHIBIT** (phs19a06) (sb011603.asf ).

**Discussion:**

SEN. O'NEIL passed out a print out of his amendments  
**EXHIBIT** (phs19a07) .

**Substitute Motion:** SEN. STONINGTON made a substitute motion  
AMENDMENTS BE SEGREGATED BY GROUPS: 1 & 2, 3-5, 6, 7 & 8, 9 & 10.

**Vote:** Motion carried 10-0.

SEN. O'NEIL explained his first group of amendments.

*{Tape : 2; Side : A; Approx. Time Counter : 0}*

**SEN. CHRISTIANS** suggested they appoint a subcommittee to look at all of **SEN. O'NEIL'S** amendments.

**SEN. STONINGTON** said she sat down with **Mr. Hunter** and **SEN. O'NEIL** to discuss the amendments. Both she and **Mr. Hunter** resisted all of these amendments, because they felt the amendments were extreme and unnecessary and did not add to the quality of the bill. **SEN. STONINGTON** felt the same thing would happen in a subcommittee, but she said if you want to assign a subcommittee that is fine. However, she felt a subcommittee would not get any further along.

**Motion/Vote:** **SEN. FRANKLIN** moved that **SEN. O'NEIL'S AMENDMENTS 1 & 2 DO NOT PASS**. Motion carried 7-3 with **O'NEIL, GRIMES AND DEPRATU** voting no.

**SEN. JOHNSON** said despite **SEN. STONINGTON'S** comments; some other people may want to be on a subcommittee and have **SEN. O'NEIL** explain his amendments. **SEN. JOHNSON** said he did not want to be on the subcommittee.

**SEN. BISHOP** asked **Judge Larson** if he was okay with regard to the committee setting up a subcommittee and not taking executive action. **Judge Larson** said he was okay with the committee for not taking executive action on SB 116 at this time. **Judge Larson** also said he had not had a chance to visit with **SEN. STONINGTON** about his amendments.

**SEN. CHRISTIAENS** asked **Ms. Fox** to pass out **Judge Larson's** amendments, **EXHIBIT (phs19a08)** SB011604.asf, so the committee would have time to read them.

**SEN. BISHOP** appointed a subcommittee to discuss **SENATOR O'NEIL'S** amendments. He appointed **SEN. O'NEIL, SEN. FRANKLIN, SEN. HARRINGTON,** and **SEN. STONINGTON** as chair.

**SEN. BISHOP** appointed another subcommittee to review SB 207. He appointed **SEN. FRANKLIN, SEN. DEPRATU, SEN. CHRISTIAENS,** and **SEN. GRIMES** as chair.

**ADJOURNMENT**

Adjournment: 4:25 P.M.

---

SEN. AL BISHOP, Chairman

---

JEANNE FORRESTER, Secretary

AB/JF

**EXHIBIT** (phs19aad)